

AMENDED IN SENATE APRIL 7, 2005

**SENATE BILL**

**No. 946**

**Introduced by Senator Florez**

February 22, 2005

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An act to amend Section 2910.5 of the Penal Code, relating to community correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 946, as amended, Florez. Community correctional facilities.

Existing law authorizes the Director of Corrections to enter into contracts of up to 20 years with a city, county, or city and county for placement in local facilities of parole violators and other state inmates. *Under existing law, parole violators who receive a revocation sentence greater than 12 months may not be placed in those facilities.*

This bill would authorize entering into 20-year contracts and would require the director to renew these ~~contents~~ *contracts*, except, as specified. *The bill would authorize inmates and parole violators who receive a revocation sentence of up to 36 months to be placed in those facilities.* The bill would revise calculations of reimbursement for costs incurred by local entities for housing inmates pursuant to the contracts. ~~The bill would provide that disputes arising from the contract would be resolved by administrative adjudication, with the Department of Corrections bearing the costs of adjudication.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2910.5 of the Penal Code is amended to  
2 read:

1     2910.5. (a) Pursuant to Section 2910, the Director of  
2     Corrections may enter into one or more long-term agreements for  
3     a term of 20 years with a city, county, or city and county to place  
4     parole violators and other state inmates in a facility which is  
5     specially designed and built for the incarceration of parole  
6     violators and specified state prison inmates. With the consent of  
7     the city, county, or city and county, the director shall renew the  
8     contract previously entered into pursuant to this section, for an  
9     additional 20 years, unless the director determines that the city,  
10    county, or city and county had materially breached the terms of  
11    the contract and refuses to correct the breach, and that the per  
12    capita costs of housing parole violators or other state inmates in a  
13    facility exceeds the per capita costs of housing the same persons  
14    in an institution listed in Section 5003.

15    (b) The agreement shall provide that persons providing  
16    security at the facilities shall be peace officers as defined in  
17    Sections 830.1 and 830.55 who have satisfactorily met the  
18    minimum selection and training standards prescribed by the  
19    Board of Corrections for local correctional personnel established  
20    under Section 6035.

21    (c) A parole violator or other inmate may be confined in a  
22    facility established under this section.

23    (1) If convicted within the last 10 years of a violent felony, as  
24    defined in subdivision (c) of Section 667.5, or convicted of a  
25    crime, as defined in Sections 207, 210.5, 214, 217.1, or 220, or if  
26    that person has a history of escape or attempted escape, the  
27    Department of Corrections, prior to placing the parole violator or  
28    inmate in the facility, shall review each individual case to make  
29    certain that this placement is in keeping with the need to protect  
30    society.

31    (2) No inmate or parole violator who has received a sentence  
32    of life imprisonment within the past 20 years shall be eligible.

33    (3) The superintendent of the facility also shall review each  
34    individual case where the inmate or parolee has been convicted  
35    within the last 10 years of a crime specified in this subdivision  
36    and shall ascertain whether this is an appropriate placement. The  
37    superintendent shall reject those whom he or she determines are  
38    inappropriate due to their propensity for violence or escape and  
39    shall submit written findings for the rejection to the Department  
40    of Corrections.

1 (4) No inmate or parole violator who receives a revocation  
2 sentence greater than 36 months shall be confined in a facility  
3 established under this section.

4 (5) The Department of Corrections shall establish additional  
5 guidelines as to inmates eligible for the facilities.

6 (d) (1) The department shall annually establish a  
7 reimbursement rate for each city, county, and city and county  
8 owned facility which takes into consideration the costs incurred  
9 by the city, county, or city and county to operate the facility and  
10 provide the services described in the contract, including, but not  
11 limited to, the costs of complying with new or additional  
12 mandates and conditions imposed by the department, and the  
13 costs of maintaining staffing levels at the facility which are  
14 equivalent to the inmate-to-correctional officer ratio maintained  
15 by the department in those facilities described in Section 5003.

16 (2) The base year for calculating reimbursement rates shall be  
17 1998, and reimbursement rates *and administrative fees* shall be  
18 adjusted annually from that base amount by an amount not less  
19 than the greater of the percentage change in the per capita costs  
20 of operating institutions by the department, as shown in the most  
21 recently approved department budget, or Article XIII B of the  
22 California Constitution, Appropriations spending limit, control  
23 Sections 12A, B, C, and D.

24 (e) Facilities operated by the county shall be under the  
25 supervision of the sheriff. Facilities operated by the city shall be  
26 under the supervision of a chief of police or a facility  
27 superintendent who shall have at least five years similar  
28 experience.

29 (f) Cities or counties contracting with the Department of  
30 Corrections for a facility pursuant to this section shall be  
31 responsible for managing and maintaining the security of the  
32 facility pursuant to the regulations and direction of the Director  
33 of Corrections. No city or county may contract with any private  
34 provider to manage, operate, or maintain the security of the  
35 facility.

36 ~~(g) Any dispute between the department and any contracting~~  
37 ~~city, county, or city and county arising out of a contract entered~~  
38 ~~into pursuant to this section shall, on the written request of either~~  
39 ~~party, be resolved through administrative adjudication, as~~  
40 ~~contained in Chapter 5(commencing with Section 11500) of~~

- 1 ~~Division 3 of Title 2 of the Government Code. The department~~
- 2 ~~shall bear the costs of administrative adjudication.~~